



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

January 10, 2011

Mr. Bruce Tibbetts
Woodberry Forest School
34 Woodberry Station
Woodberry Forest, Virginia 22989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Virginia Water Protection (VWP) Individual Permit Number 07-0803
Woodberry Forest Irrigation Pond, Madison County, Virginia
Final Major Modification of VWP Individual Permit

Dear Mr. Tibbetts:

Pursuant to the VWP Permit Program Regulation 9 VAC 25-210-10 and § 401 of the Clean Water Act Amendments of 1977, Public Law 95-217, the Department of Environmental Quality has granted a modification of the VWP individual permit for the "Woodberry Forest Irrigation Pond" project. The proposed project results in the permanent impact of 0.39 acre of surface waters, including 0.06 acre of palustrine forested wetlands, 0.20 acre of palustrine emergent wetlands and 0.13 acre (2,730 linear feet) of stream channel and the water withdrawal from the onsite irrigation pond in Madison County, Virginia.

This major modification is warranted in order to authorize the water withdraw associated with the onsite in-line irrigation pond currently being constructed to irrigate athletic fields and the golf course. The permittee has also requested to extend the permit term to the full 15 year term.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have **30 calendar days** from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, an owner may request a formal hearing for the formal taking of evidence upon relevant fact issues under Section 2.2-4020 of the Administrative Process Act. A petition for a formal hearing must meet the requirements set forth in 9 VAC 25-230-130.B of the Virginia Administrative Code. In cases

Mr. Tibbetts
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involving actions of the board, such petition must be filed within **30 calendar days** after notice of such action is sent to such owner by certified mail.

If you have any questions, please contact Amy Dooley at (703) 583-3905 or amy.dooley@deq.virginia.gov.

Respectfully,

A handwritten signature in black ink that reads "Trisha M. Beasley". The signature is written in a cursive, flowing style.

Trisha M. Beasley
Regional VWPP Program Manager

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions

cc: Mr. Mike Ballard, Williamsburg Environmental Group, Inc. – VIA EMAIL
Mr. Hal Wiggins, U.S. Army Corps of Engineers, Fredericksburg Field Office – VIA EMAIL



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VWP Individual Permit Number 07-0803

Effective Date: May 8, 2008

Major Modification Date: January 10, 2011

Expiration Date: May 7, 2023

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341 et seq.) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Permittee: Woodberry Forest School

Address: 34 Woodberry Station, Woodberry Forest, Virginia 22989

Activity Location: The project site is located in the southwestern portion of the grounds of the Woodberry Forest School, on Woodberry Forest Road, approximately one mile north of the intersection of Route 15 and Route 230 in Madison County, Virginia.

Activity Description: The permittee proposes to construct a 12.9 acre "Woodberry Forest Irrigation Pond," on an approximately 22 acre project site. The project will also include a water withdrawal from the on-site irrigation impoundment, which is authorized by this permit. Activities will result in the permanent impact of no more than 0.39 acre of surface waters, including 0.06 acre of palustrine forested wetlands, 0.20 acre of palustrine emergent wetlands and 0.13 acre (2,730 linear feet) of stream channel. Compensation for wetland impacts authorized by this permit has been completed. Compensation for stream impacts shall consist of the on-site light-planting of 6.34 acres of riparian buffer along 15,836 linear feet of the Rapidan River, and the heavy planting of 9.49 acres of riparian buffer and fencing to exclude cattle along 2,077 linear feet of stream channel tributaries to the Rapidan River. On-site mitigation shall be in accordance with the "Conceptual Stream Mitigation Plan, Woodberry Forest School, Madison County, Virginia" dated March 30, 2007 and received April 4, 2007 and additional information dated May 17, 2007 and received May 18, 2007 or the plan most recently approved by DEQ.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.


Thomas A. Faha, Regional Director

1-10-11
Date

Part I – Special Conditions

A. Authorized Activities

1. This permit authorizes the permanent impact of no more than 0.39 acre of surface waters, including 0.06 acre of palustrine forested wetland (PFO), 0.20 acre of palustrine emergent wetland (PEM) and 0.13 acre (2,730 linear feet) of stream channel.
2. This permit authorizes the installation and operation of a water withdrawal from the irrigation pond to irrigate the golf course and athletic fields in accordance with the conditions outlined in Part I - Special Condition K.
3. Impacts are as indicated in the application dated March 2007 and received by DEQ on April 4, 2007 and additional submittals received through May 17, 2007. Water withdrawal activities are as indicated in the application dated March 2007 and submittals through May 17, 2007 and major modification dated June 17, 2010 and additional submittals received through August 27, 2010. The permit authorization and conditions are also based on additional submittals approved by DEQ.

B. Permit Term

1. This permit is valid for **fifteen (15) years** from the date of issuance. A new permit may be necessary for the continuance of the authorized activities, or any permit requirement that has not been completed, including compensation provisions. The permit term shall not exceed 15 years.
2. The permittee shall notify DEQ in writing at least 120 calendar days prior to the expiration of this permit if a new permit is required.

C. Standard Project Conditions

1. The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses are minimized. As defined in § 62.1-10(b) of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.
2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water.
3. Flows downstream of the project area shall be maintained to protect all uses.
4. No activity shall cause more than minimal adverse effect on navigation, and no activity shall block more than half of the width of the stream at any given time.

5. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
6. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, French drains, or other similar structures.
7. Activities shall be conducted in accordance with the Time of Year restriction from April 15-June 15 and August 15-September 30, as recommended by the Department of Game and Inland Fisheries to protect in-stream mussel species. The permittee shall retain a copy of the agency correspondence concerning Time of Year restrictions for the duration of the construction phase of the project.
8. All excavation, dredging, or filling in surface waters shall be accomplished in a manner that minimizes bottom disturbance and turbidity. Turbidity levels downstream of the construction site shall not exceed turbidity levels upstream of the construction site at any time.
9. All in-stream activities shall be conducted during low-flow conditions whenever practicable.
10. All construction, construction access, and demolition activities associated with this project shall be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by this permit. Wet, excess, or waste concrete shall be prohibited from entering surface waters.
11. All fill material placed in surface waters shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
12. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.
13. Machinery or heavy equipment in temporarily impacted wetlands shall be placed on mats or geotextile fabric, or other suitable means shall be implemented, to minimize soil disturbance to the maximum extent practical. Mats, fabrics, or other measures shall be removed as soon as the work is complete in the temporarily impacted wetland.
14. Heavy equipment is authorized for use within the stream channel during project construction or stream restoration activities when site conditions prohibit access from the streambank. The equipment shall be stationed on cobble bars and the activities conducted in the dry or during low flow conditions, whenever possible.
15. Temporary disturbances to wetlands, stream channels, and/or stream banks during project construction activities shall be avoided and minimized to the maximum extent practicable.
16. All temporarily disturbed wetland areas shall be restored to preconstruction conditions within 30 calendar days of completing work in the areas, which shall include re-establishing pre-construction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested), except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list. The permittee shall take all appropriate measures to

promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.

17. All temporarily impacted streams and stream banks shall be restored to their original elevations and contours within 30 calendar days following the construction at that stream segment, and the banks shall be seeded or planted with the same vegetative cover type originally present along the banks, including supplemental erosion control grasses if necessary but not including invasive species identified on DCR's Invasive Alien Plant Species of Virginia list. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
18. All materials (including fill, construction debris, excavated materials, and woody materials, that are temporarily placed in wetlands, in stream channels, or on stream banks) shall be placed on mats or geotextile fabric, shall be immediately stabilized to prevent the material or leachate from entering surface waters, and shall be entirely removed within 30 calendar days following completion of that construction activity. After removal, disturbed areas shall be returned to original contours, shall be stabilized, and shall be restored to the original vegetated state within 30 calendar days. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
19. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
20. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.
21. All non-impacted surface water and any required upland buffers that are within the project or right-of-way limits, and that are within fifty feet of any project activities, shall be clearly flagged or demarcated for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that *no activities are to occur in these marked areas*.
22. All required notifications and submittals shall include project name and permit number and be submitted to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit: Department of Environmental Quality-Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia 22193.
23. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.
 - a. The authorization is made in writing by the permittee.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager,

superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

24. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

25. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at (703) 583-3800. If DEQ cannot be reached, the spill shall be reported to the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.

26. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.

27. The permittee shall notify the DEQ of any additional impacts to surface waters, including wetlands; of any modifications of the intake structure; and of any change to the type of surface water impacts associated with this project. Any additional impacts, modifications, or changes shall be subject to individual permit review and/or modification of this permit.

D. Stream Modifications, Including Intake/Outfall Structures

1. Redistribution of existing stream substrate for erosion control purposes is prohibited.
2. Material removed from the stream bottom shall not be deposited into surface waters unless otherwise authorized in this permit.
3. Riprap apron for all outfalls shall be designed in accordance with *Virginia Erosion and Sediment Control Handbook*, Third Edition, 1992, or the most recent version in effect at the time of construction.
4. For streambank protection activities, structures and backfill shall be placed as close to the streambank as practical, while still avoiding and minimizing impacts to surface waters to the maximum extent practical. No material shall be placed in excess of the minimum necessary for erosion protection.
5. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of submerged sills, breakwaters, dams, or weirs.

6. If stream channelization or relocation is authorized, all work in surface waters shall be done in the dry, unless specifically authorized by this permit, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. The diversion shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new channel by first removing the downstream plug and then the upstream plug. The new stream channel shall be constructed following the typical sections submitted with the application and should incorporate natural stream channel design principles to the greatest extent practicable. A low flow channel shall be constructed within the channelized or relocated area. The centerline of the channel shall meander, to the extent possible, to mimic natural stream morphology. The rerouted stream flow shall be fully established before construction activities in the old streambed can begin.

E. Pond Construction

The outfall and overflow structure shall be constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows. Construction shall include the use of an appropriately sized riprap outlet protection apron at the outfall site.

F. Construction Monitoring and Submittals (Impact Site)

1. Pre-Construction Monitoring

The permittee shall conduct photographic monitoring of pre-construction conditions in permitted permanent and temporary impact areas covered by this permit. Photographic monitoring shall be conducted by the following method:

Enumerated photo stations shall be established at each permitted impact area that shall be used for the duration of construction activities. The directional orientation of each photo station shall remain constant during all monitoring events. Photo stations shall be sufficient to represent permitted activities. Photo stations may be established via water craft or temporary floating structures. Each photograph taken shall be labeled with the permit number, the permitted impact area, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

2. Pre-Construction Submittals

- a. Construction in authorized impact areas shall be performed in accordance with the Final Wetland Impact Map submitted to DEQ. Any changes to the final construction plans that affect permitted areas shall be submitted to DEQ immediately upon determination that changes are necessary. DEQ approval shall be required prior to implementing the changes.
- b. The permittee shall submit written notification at least ten calendar days prior to the initiation of land disturbance or construction activities in permitted areas. The notification shall include a projected schedule for initiating and completing work at each permitted impact area.

3. Monitoring During Construction

- a. The permittee shall conduct photographic monitoring of construction activities to document that the permitted activities are in compliance with permit conditions, and to document any events that are not in compliance with the construction-related permit conditions. The permittee shall use the same photo method and location that was used for pre-construction monitoring.
- b. Photographic monitoring during construction activities in each permitted impact area shall be required quarterly.
- c. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.
- d. Construction photographic data, shall be submitted with construction monitoring reports as detailed in Part I - Special Condition F.1
- e. Monitoring of water quality parameters shall be conducted as described below during relocation of any flowing stream through a new channel. Corrective measures and additional monitoring may be required if water quality standards are not met. The permittee shall report violations of water quality standards to DEQ within 24 hours of monitoring. All monitoring data shall be submitted to DEQ within seven calendar days of the monitoring event.
 - (1) One sampling station shall be located upstream of the relocated channel, and one sampling station shall be located immediately downstream of the relocated channel.
 - (2) At the *upstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *before* opening a new channel, and every 30 minutes thereafter for at least *two* hours.
 - (3) At the *downstream* sampling station, temperature, pH, and D.O. measurements shall be taken immediately *after* opening a new channel, and every 30 minutes thereafter until the measurements indicate that the site has stabilized (minimum of *three* hours).

4. Construction Monitoring Reports

Construction Monitoring Reports shall be submitted to DEQ semiannually. The reports shall be submitted 30 days after a six month monitoring period. The reports shall include the following, as appropriate:

- (1) A written narrative stating whether or not work was performed during the monitoring period in each permitted impact area. If work was performed, the narrative shall include a description of the work performed, when the work was initiated, and the expected date of completion.

- (2) A summary of activities conducted to comply with the permit conditions, including items associated with meeting specific permit conditions and a description of erosion and sediment controls used to protect water quality and any maintenance performed on the controls.
- (3) A written summary, including photographs, of non-compliance events or problems encountered, any corrective actions taken, and any subsequent notifications to DEQ.
- (4) A summary of anticipated work to be completed during the next reporting period, and an estimated date of construction completion at all permitted impact areas.
- (5) A labeled site map depicting all permitted impact areas and photo stations.
- (6) Properly labeled photographs, including those documenting the completed restoration of temporarily disturbed surface waters. The first construction monitoring report shall also include the photographs taken at each permitted impact area prior to initiation of land disturbance or construction activities in that area.

5. Post-Construction Monitoring

The permittee shall conduct photographic monitoring of all permitted impact areas upon completion of construction and stabilization of the area. The permittee shall use the same photo method and location that was used for pre-construction monitoring.

6. Post-Construction Submittals

- a. Post-construction photographs of permitted impact areas shall be included in the final semiannual monitoring report.
- b. The permittee shall submit written notification within 30 calendar days after the completion of all activities in all permitted impact areas authorized under this permit.

G. Compensatory Mitigation

Compensation for permanent impacts to 0.13 acre (2,730 linear feet) of stream channel shall be provided through the on-site light-planting of 6.34 acres of riparian buffer along 15,836 linear feet of the Rapidan River, and the heavy planting of 9.49 acres of riparian buffer and fencing to exclude cattle along 2,077 linear feet of stream channel tributaries to the Rapidan River. On-site mitigation shall be in accordance with the *Conceptual Stream Mitigation Plan, Woodberry Forest School, Madison County, Virginia*, dated March 30, 2007 and received April 4, 2007, and additional information dated May 17, 2007 and received May 18, 2007, or the most recent DEQ approved plan.

H. Approved Mitigation Bank General Conditions

This condition was removed due to the compliance requirement being fulfilled.

I. On/Off Site Creation, Restoration, and/or Preservation Standard Conditions

1. The permittee is responsible for meeting all of the components of the compensatory mitigation requirements associated with this permit. This responsibility can only be transferred if and when the permit is transferred to another party and then only to the new permit recipient.
2. The final compensation plan as approved by DEQ shall be an enforceable requirement of this permit. Any change to the approved final compensation plan must be submitted to DEQ for approval prior to implementing the change.
3. For compensation sites involving land disturbance, a site stabilization plan shall be implemented prior to compensatory mitigation construction activities.
4. If the riparian buffer plantings and cattle exclusion activities have not commenced within 180 calendar days of beginning a construction activity in *any* permitted impact area, work in the permitted impact areas shall cease, unless otherwise authorized by DEQ.
5. Planting of woody plants shall occur when vegetation is normally dormant unless otherwise approved in the final compensation plan.
6. Vegetation shall be native species common to the area and shall be suitable for growth in local wetland and/or riparian conditions.
7. All vegetation removal for control purposes shall be done by manual means, unless authorized by DEQ in advance. Herbicides or algicides shall not be used in or immediately adjacent to compensation areas without prior authorization by DEQ.
8. All *non-impacted surface waters* and designated upland buffers that are within the compensation site limits, and are within fifty feet of any compensation site activities, shall be clearly flagged or demarcated for the life of the activity within that area. Open water areas should be demarcated as practicable. The permittee shall notify all contractors and subcontractors that *no activities are to occur within these marked areas*.
9. All required notifications and submittals shall be submitted to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit: Department of Environment Quality-Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia 22193.
10. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if *both* criteria below are met. If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.
 - a. The authorization is made in writing by the permittee.

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

11. All submittals shall contain the following signed certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

J. Stream Compensation Site Construction Tasks, Monitoring, and Submittals

1. Pre-Construction Tasks

The permittee shall conduct photographic documentation of pre-construction conditions at the stream compensation site (compensation site) by the following method:

- (1) Permanent photo stations, whose directional orientation shall remain constant during all monitoring events, shall be used for each monitoring event. The photo stations shall be identified in the final stream compensation plan. At each station, a sufficient number of photographs shall be taken from the center of the stream, facing downstream, so that the entire length of the restoration site is captured.
- (2) Photographs of existing conditions shall be taken prior to the commencing activities at the compensation site. Photographs at the compensation site shall not be required until land disturbance or construction activities are initiated on the compensation site.
- (3) Each photograph shall be labeled with the permit number, the name of the compensation site, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. If necessary, this information shall be provided as a separate attachment to each photograph.

2. Pre-Construction Submittals

- a. DEQ shall be notified in writing at least ten calendar days prior to the initiation of activities at the compensation site. The notification shall include a projected schedule of activities and construction completion.
- c. A monitoring and control plan for undesirable plant species: the plan shall apply, at a minimum, to the species listed on DCR's Invasive Alien Plant Species of Virginia list; shall include the procedures to notify DEQ of any undesirable plant species occurrences, the

methods to be used for removal and control, and the method of reporting the control results to DEQ; and shall be implemented whenever an invasive species, either individually or cumulatively, becomes a dominant species in any stream compensation site;

3. Monitoring During Planting/Construction

- a. Photographic monitoring of compensation site construction shall be required and at the end of compensation site construction.
- b. Photographic monitoring shall be conducted in accordance with the methods detailed in Part I – Special Condition J.1.
- c. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.

4. Submittals for Construction Monitoring

A summary of compensation site construction/planting activities shall be submitted along with the first compensation site success criteria monitoring report. The reports shall include the project name and permit number and the following, as appropriate:

- (1) A summary of construction/planting progress, including any problems encountered and the proposed corrective actions or the DEQ-approved corrective actions taken.
- (2) Properly labeled photographs as detailed in Part I – Special Condition J.1. Please include the photographs taken at each photo station prior to commencing land disturbance or construction activities at the compensation site.

5. Monitoring for Success Criteria After Construction

- a. Success monitoring of the stream compensation site shall begin in accordance with one of the following scenarios:
 - (1) Following the first complete growing season (monitoring year one) following compensation site planting. Success monitoring shall be conducted on the frequency and for the time period stipulated in the approved final compensation plan. Or,
 - (2) Once completed stream compensation activities have been completed. Success monitoring shall be conducted on the frequency and for the time period stipulated in the approved final compensation plan. If compensation activities are completed prior to September 30th of a particular year, then monitoring year one shall be that same year. If compensation activities are completed on or after November 1st of a particular year, then monitoring year one shall be the following year.
- b. If all success criteria have not been met by November 30th of the last monitoring year specified in the approved final compensation plan, or if visual observations conclude that the site has not

met the overall restoration goals, corrective actions shall be implemented in accordance with the DEQ-approved corrective action plan. Annual monitoring shall be continue until two sequential, annual reports indicate that all criteria have been successfully satisfied (e.g., that corrective actions were successful) and the compensation site has met the overall restoration goals. The permittee shall be solely responsible for ensuring that all necessary corrective actions are implemented so that the compensation area meets the success criteria, as detailed in the final compensation plan. Should any significant changes to the compensation site be necessary, the monitoring period shall be extended such that monitoring year one commences after the changes are complete, and the total monitoring period has been met.

- c. Photographic documentation during success monitoring shall be conducted as specified in the final compensation plan approved by DEQ.
- d. Vegetation monitoring shall be conducted in August or September of each monitoring year as detailed in the final compensation plan. Undesirable plant species shall be identified and controlled as described in the monitoring and control plan for undesirable plant species, such that they are not dominant species or do not change the desired community structure.

6. Submittals for Success Criteria Monitoring

Stream compensation site monitoring reports shall be submitted by December 31st of the years in which a monitoring report is required, including the final monitoring year, as identified in the approved final compensation plan. The reports shall include the following, at a minimum:

- (1) A general description of the site including a site location map identifying photo stations, monitoring stations, vegetation sampling points, and survey points;
- (2) Summary of activities completed during the monitoring year;
- (3) For monitoring year one, an evaluation and discussion of the monitoring methods and results in relation to the success criteria;
- (4) For monitoring years two through five, an evaluation and discussion of the monitoring methods and results in relation to the success criteria, and a comparison between the current year's monitoring results and site conditions and the previous year's results and conditions;
- (5) Discussion of the establishment of vegetation, both planted and volunteers;
- (6) Summary of wildlife or signs of wildlife observed at the compensation site;
- (7) Discussion of observed success of livestock access limiting measures;
- (8) Properly labeled photographs as detailed in Part I – Special Condition J.1;
- (9) Corrective action plan, if necessary, which shall include any proposed actions or maintenance activities, a schedule, and a monitoring plan

K. Surface Water Withdrawals

1. All water withdrawals authorized under this permit shall be for the sole purpose of irrigation of the golf course and athletic fields and fire suppression.
2. In the event a Severe Intensity Drought (D2) has been declared by the weekly "U.S. Drought Monitor" for the location in which the withdrawal is located or the Governor or the Virginia Drought Coordinator declares a drought emergency in the Northern Piedmont Drought Evaluation Region of Louisa County, the permittee shall implement the mandatory conservation measures, as detailed in Attachment A. The permittee shall be responsible for determining when drought emergencies are declared. DEQ may require documentation that mandatory conservation measures were implemented during declared drought emergencies.
3. The location of the irrigation impoundment and withdrawal shall be as indicated in the *Woodberry Forest G.C. Pump Slab Details* dated and received July 2, 2010, unless otherwise approved in writing by DEQ.
4. The permittee is authorized to withdrawal a maximum of 40 million gallons per year from the irrigation impoundment.
5. The permittee shall ensure the release of 30 percent of the mean annual flow or the instantaneous flow, whichever of these two flow rates is less, from the impoundment.

L. Water Withdrawal Monitoring and Reporting

1. The permittee shall submit by February 1, 2011 for DEQ-NRO approval, the method(s) detailing how compliance with the conditions outlined in Part I - Special Condition K shall be demonstrated. The method(s), at a minimum, shall include the following for each withdrawal location:
 - a. A map depicting the location of all water withdrawals, including pumps, housing, and all other pertinent structures.
 - b. Close-ups of the intake apparati, including details on pump rate, mesh screening and vertical/horizontal positioning within the irrigation impoundments.
 - c. Daily measurements of instream flow.
 - d. Daily measurement of release rates and flow by volumes.
 - e. Recording pump operational time frames and volumes pumped.
 - f. The frequency of monitoring and recording of measurements.

2. Reporting shall be conducted quarterly of every year and summarize all information required to demonstrate compliance with Part I - Special Condition K. All measurements shall include the date and time of documentation and person's name recording and operating the pump.
3. Monitoring activities and data recordation of the flow by-pass on the impoundment located on the unnamed tributary to the Rapidan River shall be in accordance with the methods established in Part I - Special Condition L. The recorded data shall be retained for the life of the permit and made available to DEQ within 48 hours of request.
4. If the flow by-pass on the impoundment located on the unnamed tributary to the Rapidan River does not meet the requirements of Part I - Special Condition K, permittee shall submit a report summarizing the dates on which the flow-by rate did not meet the requirement and the volume of water released from the dam. The permittee shall submit the report to DEQ by the 10th day of the month following the month in which the flow by-pass requirement was not met.
5. The permittee shall report all authorized surface water withdrawals to the DEQ-NRO and DEQ Office of Surface and Groundwater Supply Planning at P.O. Box 1105, Richmond, Virginia, 23218 by January 31st of the year following the year in which the withdrawals occurred. The annual monitoring report shall contain the following information:
 - a. The permittee's name and address;
 - b. The permit number;
 - c. The source (s) from which water is withdrawn;
 - d. The location (latitude and longitude) of each point of water withdrawal;
 - e. The cumulative volume (million gallons) of water withdrawn each month of the calendar year;
 - f. The largest single day withdrawal volume (million gallons) that occurred in the year and the month in which it occurred; and
 - g. The method of measuring each withdrawal.

Attachment A**Mandatory Non-essential Water Use Restrictions**

The following non-essential water uses will be prohibited during periods of declared drought emergencies. Please note the exceptions that follow each prohibited use. These prohibitions and exceptions will apply to uses from all sources of water and will only be effective when the Governor of Virginia declares a Drought Emergency through the issuance of an executive order. Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials so long as best management practices are applied to assure the minimum amount of water is utilized.

Unrestricted irrigation of golf courses is prohibited.

- Tees and greens may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
- Localized dry areas may be irrigated with a hand held container or hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Greens may be cooled by syringing or by the application of water with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Fairways may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary not to exceed one inch of applied water in any ten-day period.
- Fairways, tees and greens may be irrigated during necessary overseeding or resodding operations in September and October at the minimum rate necessary. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period.
- Newly constructed fairways, tees and greens and areas that are re-established by sprigging or sodding may be irrigated at the minimum rate necessary not to exceed one inch of applied water in any seven-day period for a total period that does not exceed 60 days.
- Fairways, tees and greens may be irrigated without regard to the restrictions listed above so long as:
 - The only water sources utilized are water features whose primary purpose is stormwater management,
 - Any water features utilized do not impound permanent streams,
 - During declared Drought Emergencies these water features receive no recharge from other water sources such as ground water wells, surface water intakes, or sources of public water supply, and,
 - All irrigation occurs between 9:00 p.m. and 10:00 a.m.
- All allowed golf course irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Rough areas may not be irrigated.

Unrestricted irrigation of athletic fields is prohibited.

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.

- Localized dry areas that show signs of drought stress and wilt (curled leaves, foot-printing, purpling) may be syringed by the application of water for a cumulative time not to exceed fifteen minutes during any twenty four hour period. Syringing may be accomplished with an automated irrigation system or with a hand held hose equipped with an automatic shutoff device at the minimum rate necessary.
- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period. Syringing is permitted during signs of drought stress and wilt (curled leaves, foot-printing, purpling).
- All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.
- Water may be used for the daily maintenance of pitching mounds, home plate areas and base areas with the use of hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary.
- Skinned infield areas may utilize water to control dust and improve playing surface conditions utilizing hand held containers or hand held hoses equipped with an automatic shutoff device at the minimum rate necessary no earlier than two hours prior to official game time.

Part II – General Conditions

A. Duty to Comply

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

B. Duty to Cease or Confine Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP Permit Action

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).

VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

E. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

G. Monitoring and Records Requirements

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurements;
 - b. The name of the individuals who performed the sampling or measurements;
 - c. The date and time the analyses were performed;

- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

H. Transferability

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

I. Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

J. Reopener

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

K. Compliance with State and Federal Law

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

L. Severability

The provisions of this VWP permit are severable.

M. Permit Modification

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

N. Permit Termination

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

O. Civil and Criminal Liability

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Unauthorized Discharge of Pollutants

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses;
4. On or after October 1, 2001 conduct the following activities in a wetland:

- a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
- b. Filling or dumping;
- c. Permanent flooding or impounding;
- d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

R. Permit Extension

Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.